

S.B. NO. 2873

JAN 25 2012

A BILL FOR AN ACT

RELATING TO ENVIRONMENTAL IMPACT STATEMENTS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 343, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§343- Exception to applicability of chapter. (a)

4 Notwithstanding any other law to the contrary, if at the time an
5 application for a secondary action is submitted, a [any] primary
6 action that requires a permit or approval [that] is not subject
7 to a discretionary consent, and that [involves a] secondary
8 action [that] is ancillary and limited to the installation,
9 improvement, renovation, construction, or development of
10 infrastructure within an existing public right-of-way or
11 highway, that secondary action shall be exempt from this
12 chapter[.]; provided that the applicant shall submit
13 documentation from the appropriate agency confirming that no
14 further discretionary approvals are required.

15 (b) As used in this section:

16 "Discretionary consent" means:

17 (1) An action as defined in section 343-2; or

1 (2) An approval from a decision-making authority in an
2 agency, which approval is subject to a public hearing.

3 "Infrastructure" includes waterlines and water facilities,
4 wastewater lines and wastewater facilities, gas lines and gas
5 facilities, drainage facilities, electrical, communications,
6 telephone, and cable television utilities, and highway, roadway,
7 and driveway improvements.

8 "Primary action" refers to any action outside of the
9 highway or public right-of-way that is on private property.

10 "Secondary action" refers to any infrastructure within the
11 highway or public right-of-way."

12 This Act shall take effect on July 1, 2009[, and shall be
13 repealed on July 1, 2013].

14 SECTION 2. Chapter 343-5(c), Hawaii Revised Statutes, is
15 amended to read as follows:

16 "(c) Whenever an applicant proposes an action specified by
17 subsection (a) that requires approval of an agency and that is
18 not a specific type of action declared exempt under section 343-
19 6, the agency initially receiving and agreeing to process the
20 request for approval shall require the applicant to prepare an
21 environmental assessment of the proposed action at the earliest
22 practicable time to determine whether an environmental impact

1 statement shall be required; provided that, for an action that
2 proposes the establishment of a renewable energy facility, a
3 draft environmental impact statement shall be prepared at the
4 earliest practicable time. The final approving agency for the
5 request for approval is not required to be the accepting
6 authority."

7 SECTION 3. Chapter 343-5(d), Hawaii Revised Statutes, is
8 amended to read as follows:

9 "(d) Whenever an applicant requests approval for a
10 proposed action and there is a question as to which of two or
11 more state or county agencies with jurisdiction has the
12 responsibility of determining whether an [preparing]
13 environmental assessment is required, the office, after
14 consultation with and assistance from the affected state or
15 county agencies, shall determine which agency shall [prepare the
16 assessment]determine whether the preparation of the assessment
17 by the applicant is required."

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Report Title:

Environmental Impact Statements, Exceptions

Description:

Permanently amend chapter 343, Hawaii Revised Statutes to clarify current exemptions for secondary actions and require that applicants prepare environmental assessments when required.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

JUSTIFICATION SHEET

DEPARTMENT: Department of Transportation

TITLE: A BILL FOR AN ACT RELATING TO ENVIRONMENT
IMPACT STATEMENTS.

PURPOSE: Permanently amend chapter 343, Hawaii
Revised Statutes to current exemptions for
secondary actions and require that
applicants prepare environmental assessments
when required.

MEANS: Add a new section to chapter 343, Hawaii
Revised Statutes.

JUSTIFICATION: The Department of Transportation and the
Office of Environmental Quality Control have
been inundated with a large number of minor
work project reviews that greatly increase
the processing time for applications
affecting rights-of-way. Amending this
chapter will prevent unnecessary delays for
actions that would be clearly exempt from
environmental assessment requirements.

Impact on the public: NONE.

Impact on the department and other agencies:
The inclusion of the language will save the
departments of transportation and health
unnecessary work effort and man hours on the
processing of minor work project reviews.

GENERAL FUNDS: NONE.

OTHER FUNDS: NONE.

PPBS PROGRAM
DESIGNATION:

OTHER AFFECTED
AGENCIES: Department of Health, Office of
Environmental and Quality Control

SB. NO. 2873

EFFECTIVE DATE: July 1, 2012.